

Application No. 10/779,410
Amendment dated February 14, 2006
Reply to Office Action of November 14, 2005

Docket No.: 66163-0003

REMARKS

The Applicants thank the Examiner for the detailed review of the claims. Applicants have cancelled claims 7 and 15-23 without prejudice or disclaimer. New claims 24-27 have been added. However no new matter has been added. Reconsideration of the pending claims is respectively requested.

Election/Restriction Requirement

Applicant has cancelled claims 15-23 without prejudice or disclaimer as being directed to a non-elected species.

Claim Rejections Under 35 U.S.C. §102(e) – Slade

The Examiner has rejected claims 1-11 and 14 under 35 U.S.C. §102 (e) as being anticipated by Slade (U.S. Patent No. 6631905). Applicants respectfully traverse the rejection.

Slade is directed to “a basketball skill teaching game apparatus.” The game disclosed in Slade includes a game mat 12 having a plurality of game squares 13 that include basketball drills or exercises. Slade also discloses game cards 20 that are “miniature versions” of the game mat 12. (Col. 5, lines 51-54; Col. 6, lines 60-63).

In contrast to Slade, Applicant’s invention, as defined by amended claim 1, requires a playing surface that has a plurality of yoga poses. Similarly, claim 14 also positively recites a playing surface that includes a plurality of spaces having illustrations of various yoga bodily poses. These limitations are not shown or taught in Slade. For this reason alone, Applicant’s invention, as defined in claims 1 and 14, is patentable over Slade.

Further, Applicant’s invention, as defined by claim 1, also positively recites a plurality of cards that have top and bottom faces, wherein each of the top faces include a *single* illustration of a yoga bodily pose. This feature is also not taught in Slade. Indeed, Slade specifically teaches away from this limitation, stating that the game in Slade includes game cards 20 that are identical miniature versions of the game mat. For at least this reason, claim 1, as amended is patentable over Slade.

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Dependent claims 2-6; 8-13 and 24-27 are also allowable over the prior art as being dependent upon allowable claims 1 and 14, respectfully. These claims are also independently patentable as they contain additional features not show, taught or suggested by the prior art. For example, Slade does not teach or disclose that the random selection device is an action spinner, as positively claimed in claim 10. Nor does Slade teach the actions positively claimed in claim 11. Accordingly, withdrawal of the rejection is respectfully requested.

Claim Rejections Under 35 U.S.C. §103 – Slade

Claims 10 and 11 were rejected under 35 U.S.C. §103 as being unpatentable over Slade. The arguments set forth above with respect to the §102 rejection are equally applicable here. Moreover, the Examiner has failed to appreciate that the spinner claimed in claim 11 indicates to the player actions that must be completed in connection with the game *in addition to* the various yoga positions that are selected by the claimed cards. In contrast, the dice in Slade simply directs a player to a position on the game mat. The dice does not direct any additional action for a player to take. Accordingly, claims 10 and 11 are patentable over the prior art.

Claim Rejections Under 35 U.S.C. §103 – Slade in view of Walker

Claims 12 and 13 were rejected under 35 U.S.C. §103 as being unpatentable over Slade in view of Walker. The arguments set forth above with respect to the §102 rejections are equally applicable here. Moreover, claims 12 and 13 are dependant upon allowable claim 1 and therefore are also allowable over the prior art.

New Claims

New claims 24-27 are dependent claims that add additional limitations to the pending claims. Accordingly, these are also believed to be allowable over the prior art.

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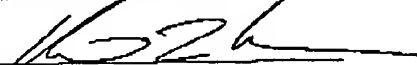
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In view of the above amendment, applicant believes that the pending application is in condition for allowance.

Applicant believes that no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. 66163-0003 from which the undersigned is authorized to draw.

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Respectfully submitted,

By 
Kristin L. Murphy

Registration No.: 41,212
RADER, FISHMAN & GRAUER PLLC
39533 Woodward Avenue, Suite 140
Bloomfield Hills, Michigan 48304
(248) 594-0647
Attorney for Applicant